

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BYRON CHRISTMAS, et al.,)	
)	No. 08 C 4675
Plaintiffs,)	
)	Judge Manning
v.)	
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' SIXTH MOTION *IN LIMINE* TO BAR
INAPPROPRIATE DAMAGES ARGUMENT**

Plaintiffs Byron Christmas and Tiffany Banks, by and through their attorneys, respectfully move this Honorable Court *In Limine*, to bar inappropriate argument regarding damages.

Plaintiffs move to bar any argument that implies that (1) Plaintiffs have asked for more money than they expects to be awarded; (2) that the recovery of Plaintiffs is not subject to income tax; (3) that defense counsel is shocked by Plaintiffs' damage request; and (4) that the damage request, or Plaintiffs' case, would place a burden upon the public as a whole, or increase taxes, or in any other way compromise the City's finances, and to direct that all attorneys for defendants advise all their witnesses of the Court's Order *in limine*.

Per Federal Rules of Evidence 401, 402, and 403, such argument would be inappropriate. Such testimony would be irrelevant under FRE 401, and so should be excluded per FRE 402, and even if it was relevant would be unduly prejudicial under FRE 403. Such testimony would not relate in any way to the matter in controversy. A similar motion was granted in *Thomas v. Sheahan*, 514 F. Supp. 2d 1083, 1087-88 (N.D. Ill. 2007).

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Sixth

Motion *In Limine* as discussed above.

RESPECTFULLY SUBMITTED,

/s/ James M. Baranyk
One of the Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2010, I electronically filed the foregoing Motion *in limine* with the Clerk of the Court, giving notice to all parties.

/s/ James M. Baranyk